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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,279	12/28/2001	Hirobumi Yamaguchi	826.1780	2688

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

DAMIANO, ANNE L

ART UNIT PAPER NUMBER

2114

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,279

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Anne L Damiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-3, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 5-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/28/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 4, 13 and 15 are allowed.

Subject matter of these claims was deemed allowable in previous office action.

2. Claims 5-9 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

3. Claim 10 is objected to because of the following informalities:

Line 1, "the hardware error or the protocol error" lack antecedent basis. The examiner asserts that this claim is meant to be dependent on claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which

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it is most nearly connected, to make and/or use the invention. Specifically, the specification does not describe a simulated response file, which is referenced throughout claim 16. The specification teaches that the setting file is a file in which the contents of a defined error of an I/O device *to be simulated* are set. The examiner does not see the correlation between a file containing the contents of a defined error to be simulated and a file containing a simulated response being a simulated response file. This claim therefore stands rejected under 35 U.S.C. 112 first paragraph.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 3 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al (2002/0026303).

As in claim 1, Watanabe discloses a pseudo I/O (*I/O emulator*) system that is connected with a device to be tested (*a processor*), and simulates an actual I/O system, comprising:

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A setting unit receiving a file where contents of an error of a pseudo target are defined and set, and setting the file as a setting file (*I/O emulator script commands*) (*paragraph 5: lines 6-8 and paragraph 21*);

A receiving unit receiving a command from the device to be tested (*processor*) (*paragraph 4, paragraph 5: lines 1-6 and paragraph 22*); (*The test instructions are from test programs executed by the processors and are sent to and received by the I/O emulator script command generator.*)

A pseudo I/O unit processing the command received by said receiving unit according to set contents when the contents corresponding to the command (*with test program verification result*) (*figure 1: component 72 and paragraph 28: lines 1-11*) are set when referencing the setting file, and performing a normal reply process when the contents corresponding to the command are not set (*without test verification result*) (*figure 2: component 71 and paragraph 26: lines 1-9*); (*When the test instruction execution units are activated, the processors (device under test) generate test instructions which are used in the I/O script commands. When the test instruction execution units are not activated, a normal reply process is performed.*) and

A transmitting unit returning data after being processed to the device to be tested at a request source (*control unit*) (*paragraph 29: lines 5-7*), where only one pseudo I/O unit is provided in the pseudo I/O system (*Each pseudo I/O unit with corresponding processor (device to be tested) is interpreted as a pseudo I/O system.*)

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As in claim 2, Watanabe discloses the pseudo I/O device according to claim 1, wherein a file where information of an I/O device to be simulated is defined and set is set as the setting file (*I/O emulator script command*) (*Figure 1: component 50 and paragraph 24*).

As in claim 3, Watanabe discloses the pseudo I/O device according to claim 2, further comprising a processing unit deleting predetermined set contents or restoring the set contents to normal set contents after performing a process according to the set contents if the predetermined contents are set when referencing the setting file, and automatically performing a normal reply process at a next time (*paragraph 26: lines 1-5 and paragraph 28: lines 1-5*).

As in claim 14, Watanabe discloses The pseudo I/O device according to claim 1, wherein the pseudo I/O device used to test operations of a test device of various types of devices, an analyzer, a driver of an actual device, a driver installed on an OS, a RAID controller controlling a RAID device (*paragraph 1*).

Response to Arguments

8. Applicant's arguments with respect to claims 1-3, 14 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (571) 272-3658. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD



SCOTT BADERMAN
PRIMARY EXAMINER